



COUNTY OF HUMBOLDT

Legislation Details (With Text)

File #: 22-1139 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 8/22/2022 **In control:** Public Works
On agenda: 9/20/2022 **Final action:** 9/20/2022
Title: Resolution to Summarily Vacate Portions of Pearl Street, Franklin Street, Spruce Street, Clay Street and Adjacent Alley in the Port Kenyon Subdivision Near Ferndale

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Resolution to vacate roads in Port Kenyon.pdf, 3. Exemption from Planning Commission Report, 4. CEQA Determination, 5. Resolution No. 22-111.pdf, 6. Public Comment.pdf

Date	Ver.	Action By	Action	Result
9/20/2022	1	Board of Supervisors	approved	Pass

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

SUBJECT:

Resolution to Summarily Vacate Portions of Pearl Street, Franklin Street, Spruce Street, Clay Street and Adjacent Alley in the Port Kenyon Subdivision Near Ferndale

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the attached resolution to summarily vacate portions of Pearl Street, Franklin Street, Spruce Street, Clay Street and adjacent alley in the Port Kenyon Subdivision near Ferndale pursuant to California Streets and Highways Code Section 8331; and
2. Direct the Clerk of the Board to record, via the Land Use Division of the Department of Public Works, a fully executed certified copy of the resolution in the Office of the County Recorder.

SOURCE OF FUNDING:

Roads Division 1200-322 and 1200-331

DISCUSSION:

The Humboldt County Department of Public Works ("Public Works") received a request from property owner Gabe Hagerman to complete a vacation of portions of Pearl Street, Franklin Street, Spruce Street, Clay Street and adjacent alley in the Port Kenyon subdivision near Ferndale. The areas proposed for vacation have not been developed as roadways.

The proposed vacation is being processed via the Summary Vacation Procedures authorized by California Streets and Highways Code Section 8331, which states that a legislative body of a local agency may summarily vacate an excess right of way of a street or highway if both of the following conditions exist: (a) for a period of five (5) consecutive years, the street or highway has been impassable for vehicular travel; no public money was expended for maintenance of the street or highway during such period.

Public Works has reviewed the portions of Pearl Street, Franklin Street, Spruce Street, Clay Street and adjacent alley proposed for vacation and has determined that they have been impassable for more than five (5) years. No public money was expended for maintenance on said streets and alleys.

The Humboldt County Planning and Building Department has found the proposed vacation to be of a minor nature and is, therefore, exempt from a Planning Commission Report for Acquisitions, Dispositions, and Abandonments pursuant to Government Code Section 65402(a). The Planning and Building Department determined that the right of way or property was not acquired for a use other than street widening or alignment; that the streets and alleys are not open on the ground; that the streets and alleys are not identified in the circulation element of the General Plan; that the streets and alleys are not used, or intended to be used, or adaptable for use as part of the trails system; and that the streets and alleys do not provide principal access to a parcel that would result in the parcel not having legal access once the abandonment is complete.

The proposed vacation has been reviewed by the Environmental Services Division of Public Works and has been determined to have no significant environmental affect. Therefore, it is not subject to California Environmental Quality Act Section 15305 of Title 14 of the California Code of Regulations.

Notices of the proposed vacation were provided to utility and service providers Suddenlink Communications, Frontier Communications, Pacific Gas and Electric, Ferndale Community Services District and Ferndale Volunteer Fire District. The only utilities in the area run along the north side of Port Kenyon Road. Ferndale Community Services District does not service the area. The Ferndale Volunteer Fire District responded via telephone that they have no objections to the proposed vacation. No public utility easements will be reserved.

FINANCIAL IMPACT:

All fees that cover the costs of staff time have been paid by the requesters. The funding to cover staff time related to the proposed vacation has been included in the approved fiscal year 2022-2023 Road Fund budget units 1200-322 and 1200-331.

STRATEGIC FRAMEWORK:

The recommended actions support the Board of Supervisors' Strategic Framework by providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to adopt the attached resolution to summarily vacate portions of Pearl Street, Franklin Street, Spruce Street, Clay Street and adjacent alley in the Port Kenyon Subdivision near Ferndale pursuant to California Streets and Highways Code Section 8331. However, this alternative is not recommended since not vacating the right of way may require the county to incur costs to maintain the roads.

ATTACHMENTS:

1. Resolution to Summarily Vacate Portions of Pearl Street, Franklin Street, Spruce Street, Clay Street and Adjacent Alley in the Port Kenyon Subdivision Near Ferndale
2. Exemption From Planning Commission Report for Acquisitions, Dispositions and Abandonments Pursuant to Government Code Section 65402(a)
3. CEQA Determination

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A